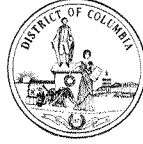


GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12883, of Isadore and Charles Egber, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to operate a parking lot consisting of Lots 17 and 803 in an R-4 District and Lots 800 and 801 in a C-2-A District all four lots serving a liquor store at 1118 U Street, N.W., said lots being premises 1937-43 - 12th Street, N.W. (Square 305, Lots 801, 800, 17 and 803).

HEARING DATE: March 14, 1979

DECISION DATE: April 4, 1979

FINDINGS OF FACT:

1. The subject parking lot is located on the east side of 12th Street approximately sixty feet south of its intersection with U Street, N.W. It is known as 1937-43 - 12th Street, N.W., and is in the R-2 and C-2-A Districts.
2. The subject parking lot serves mainly a liquor store which is owned by the applicants and is located on the south-east corner of 12th and U Streets, N.W., north of the subject parking lot. The applicants own additional retail stores on U Street and allow patrons of these stores to use the parking lot without charge.
3. The parking lot consists of four lots. Lots 17 and 803, known as 1937-39 - 12th Street, N.W., are located in an R-4 District. Lots 801 and 800, known as 1941-43 - 12th Street, N.W. are located in a C-2-A District. The applicants seek the Board's permission to use that part of the parking lot located in the R-4 District which serves a commercial use. Parking in the C-2 District is permitted as a matter-of-right.
4. To the north of the subject parking lot is the applicant's liquor store. To the east, is a fourteen foot wide alley. To the south, is a sixty-five foot wide vacant lot followed by row dwellings. To the west is 12th Street, N.W.

5. Access to the parking lot is both from the alley and 12th Street. The driveway is twenty-five feet wide. The lot is approximately 5,859 square feet in area and is relatively flat. The lot is unattended.

6. The site is asphalt paved. The spaces are marked off. There are logs along the southern lot line which serve as wheel stops.

7. The hours of operation of the liquor store are from 10:00 a.m. to 9:00 p.m., Monday through Saturday.

8. By BZA Order No. 4134, granted June 1955, the Board granted permission to establish the subject parking lot. It was approved for two years. By BZA Order No. 4788, granted July 12, 1957 the Board granted a continuance of the parking lot for five years. When the latter permit expired it was never renewed. The applicant is currently operating the parking lot without a Certificate of Occupancy. The applicant testified that he had ceased charging for the use of the lot. It was no longer "commercial" and he believed that he needed no permit.

9. The Office of Planning and Development, by report dated March 8, 1979 recommended that the application be approved provided the applicant comply with all the requirements of Article 72 of the Zoning Regulations.

10. The memorandum from the Department of Transportation, received March 20, 1979, was not available at the public hearing date. It was available before the application was decided. The memorandum reported that the traffic volume was light, there was a moderate vehicle turnover frequency, that the Department had received no complaints concerning the parking lot and that the lot needed cleaning since there was debris scattered over the lot. No adverse impacts have been identified. The Board concurs and as hereinafter listed will impose conditions as to the granting of the application.

11. There was no opposition to the application.

12. Advisory Neighborhood Commission 1B made no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicants have substantially complied with the requirements of Paragraph 3104.44 of the Zoning Regulations and that with the conditions hereinafter imposed there will be a more complete compliance. There is no commercial advertising sign on the lot since no rates are charged for parking. The Department of Transportation memorandum, Finding of Fact No. 10, reports a light traffic volume and a medium turnover of parking vehicles reflecting no dangerous or otherwise objectionable traffic conditions resulting from the proposed use. The lot is reasonably necessary and convenient to other uses in the vicinity with no adverse impacts. The Board further concludes that the special exception to use the two lots in the R-4 District can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. The two lots in the C-2-A can be used as a matter-of-right.

Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the FOLLOWING CONDITIONS.


- a. Approval shall be for a period of THREE YEARS from the final date of this Order and may be renewed at the discretion of the Board upon the filing of a proper application.
- b. The parking lot shall be cleaned on a daily basis.
- c. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- d. An eight inch coping shall be erected and maintained along each side of all driveways to protect the public space.
- e. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

- f. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- g. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- h. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- i. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Chloethiel Woodard Smith, William F. McIntosh, Charles R. Norris, Walter B. Lewis and Leonard L. McCants to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 25 APR 1979

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.